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AUG 19 2008

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**New Jersey Bar and
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August 18, 2008

Via Fax: 212 805 0426

Page 1 of 3

Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not file such certification to Chambers.

re: **Edward D. Fagan v. Republic of Austria, et. al. 08 CV 6715**

Dear Judge Swain:

We are the attorneys for defendant Austrian National Bank in the above. In regard to Mr. Weiner's fax of this afternoon, and our 3-way telecon with your law secretary, Sean Young, as mentioned, our client's time to respond to the summons is governed by the F.S.I.A. §28 U.S.C. 1602 *et. seq.* which provides for 60 days. Nevertheless, we join Generali's request to extend our client's time to respond to the summons to September 30, 2008.

The request is granted.

Respectfully,

Stephen M. Harnik

Stephen M. Harnik

SO ORDERED.

NEW YORK, NY

[Signature]
LAURA TAYLOR SWAIN

Aug 19, 2008 UNITED STATES DISTRICT JUDGE

SMH: sc

Encl.

CC: Edward D. Fagan, Esq. (via email)
Robert Weiner, Esq. (via email)
Austrian National Bank (via email)

Copies mailed/faxed to
Chambers of Judge Swain

S. HARNIK
879-08